

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

United States of America

v.

JOSE LOPEZ

(Name and address of defendant)

PETTY

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. 09-23566-001M-P

Greta Vietor (AFPD)

Attorney for Defendant

## THE DEFENDANT ENTERED A PLEA OF:

☒ guilty ☐ nolo contendere: as to the Complaint☐ not guilty as to count(s) \_\_\_\_\_

## THERE WAS A:

☒ finding ☐ verdict: of guilty as to the Complaint

## THERE WAS A:

☐ finding ☐ verdict: of not guilty as to count(s) \_\_\_\_\_☐ judgment of acquittal as to count(s) \_\_\_\_\_

The defendant is acquitted and discharged as to this/these counts.

IT IS FURTHER ORDERED that \_\_\_\_\_ is DISMISSED on motion of the United States.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, U.S.C., §1325, unlawfully entering the United States of America from Mexico at a time or place other than that designated by and Immigration Officer of the United States of America as charged in the Complaint filed herein.

IT IS THE JUDGMENT OF THIS COURT THAT: the defendant is committed to the custody of the Bureau of Prisons for imprisonment for a period of TEN (10) DAYS WITH CREDIT FOR TIME SERVED.

## CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk, U.S. District Court, Attn: Finance, Suite 130, 401 West Washington St., SPC 1, Phoenix, Arizona 85003-2118, the following total criminal monetary penalties:

SPECIAL ASSESSMENT: Remitted

FINE:

RESTITUTION:

All monetary penalties are due immediately or in regular monthly installments. If incarcerated, payments shall begin under the Bureau of Prisons Inmate Financial Responsibility Program. Any unpaid balance shall become a condition of supervision and shall be paid within 90 days of the expiration of supervision.

Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address.

## CONDITIONS OF SUPERVISION

Where probation/supervised release has been ordered, the defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

It is the order of the Court that, pursuant to General Order 05-36, which incorporates the requirements of USSG §§5B1.3 and 5D1.2, you shall comply with the following conditions:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) You shall report to the Probation Office as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and are subject to being prohibited from the use of alcohol if ordered by the Court in a special condition of supervision.
- 9) You shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 801) or any paraphernalia related to such substances, without a prescription by a licensed medical practitioner. Possession of controlled substances will result in mandatory revocation of your term of supervision.
- 10) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 11) You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony

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unless granted permission to do so by the probation officer.

- 12) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 13) You shall immediately notify the probation officer (within forty-eight (48) hours if during a weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 14) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
- 16) If you have ever been convicted of a felony, you shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon. If you have ever been convicted of a misdemeanor involving domestic violence, you shall refrain from possession of any firearm or ammunition. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases that did not entail domestic violence, unless a special condition is imposed by the Court.
- 17) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and thereafter at least two, but no more than two periodic substance abuse tests per year of supervision, pursuant to 18 U.S.C. §§ 3563(a)(5) and 3583(d);
- 18) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
- 19) You shall pay any monetary penalties as ordered by the Court. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.
- 20) If you have ever been convicted of any qualifying federal or military offense (including any federal felony) listed under 42 U.S.C. § 14135a(d)(1) or 10 U.S.C. § 1565(d), you shall cooperate in the collection of DNA as directed by the probation officer pursuant to 42 U.S.C. § 14135a(a)(2).

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

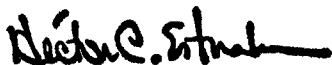
The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

**UNLESS PREVIOUSLY WAIVED, THE DEFENDANT IS ADVISED OF THE RIGHT TO APPEAL THE IMPOSED SENTENCE BY FILING A NOTICE OF APPEAL WITHIN 10 DAYS FROM THE IMPOSITION OF SENTENCE.**

**IT IS FURTHER ORDERED** that the Clerk of the Court deliver a certified copy of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons and recommends:

Date of Imposition of Sentence: **Friday, March 20, 2009**



HECTOR C. ESTRADA, U. S. MAGISTRATE JUDGE

Date 3/20/2009

RETURN

I have executed this Judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal

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By: \_\_\_\_\_

Deputy Marshal

mab

|   |                                  |                               |  |  |                 |
|---|----------------------------------|-------------------------------|--|--|-----------------|
| <b>UNITED STATES DISTRICT COURT</b>   |                                  | District<br><b>ARIZONA</b>    |  | FILED _____<br>RECEIVED _____<br>LODGED _____<br>COPY _____                                  |                 |
| UNITED STATES OF AMERICA<br>V.<br><b>Jose LOPEZ</b><br>Year of Birth: 1982<br>Country of Citizenship: Mexico<br>A099 823 058<br>Case Control # TCA-0903-1177  |                                  | DOCKET NO.                    |  | <div style="border: 1px solid black; padding: 5px; display: inline-block;">MAR 20 2009</div> |                 |
|   |                                  | MAGISTRATE CASE NO.           |  | CLERK U.S. DISTRICT COURT<br>DISTRICT OF ARIZONA<br>BY _____ DEPUTY                          |                 |
|   |                                  | 09-23566MP                    |  |  |                 |
| Complaint for violation of Title 8 United States Code § 1325  |                                  |                               |  |  |                 |
| NAME OF JUDGE OR MAGISTRATE   |                                  |                               | OFFICIAL TITLE   |  | LOCATION        |
|   |                                  |                               | United States Magistrate   |  | Tucson, Arizona |
| DATE OF OFFENSE   | PLACE OF OFFENSE                 | ADDRESS OF ACCUSED (if known) |  |  |                 |
| On or about<br>March 18, 2009   | At or near<br>Lukeville, Arizona | Tepic, Nayarit, Mexico        |  |  |                 |
| COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:   |                                  |                               |  |  |                 |
| <p>That on or about March 18, 2009, at or near Lukeville, Arizona, in the District of Arizona, Jose LOPEZ, an alien, did unlawfully enter the United States of America from the United States of Mexico, at a time and place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325.</p> |                                  |                               |  |  |                 |
| BASIS OF COMPLAINANTS CHARGE AGAINST THE ACCUSED:   |                                  |                               |  |  |                 |
| <p>This complaint is based upon agents finding Jose LOPEZ, an alien, in the United States of America without proper immigration documents. Furthermore, Jose LOPEZ admitted to entering the United States of America from the United States of Mexico illegally, without then being inspected by immigration officers, on March 18, 2009, at or near Lukeville, Arizona.</p>  |                                  |                               |  |  |                 |
| MATERIAL WITNESSES IN RELATION TO THIS CHARGE   |                                  |                               |  |  |                 |
| Border Patrol Agent(s) <b>David Meza</b>  |                                  |                               |  |  |                 |
| AUTHORIZED BY AUSA<br>DETENTION REQUESTED<br>Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.  |                                  |                               | SIGNATURE OF COMPLAINANT (official title)<br><br>OFFICIAL TITLE<br>Senior Patrol Agent |  |                 |
| Sworn to before me and subscribed in my presence.   |                                  |                               |  |  |                 |
| SIGNATURE OF MAGISTRATE (1)<br>   |                                  |                               |  | DATE<br>March 20, 2009   |                 |

1) See Federal Rules of Criminal Procedure rules 3 and 54.

DATE: 3/20/2009 CASE NUMBER: 09-23566M-P

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U.S. MAGISTRATE JUDGE: MAGISTRATE HÉCTOR C. ESTRADA Judge #: 70BQ

ASSIGNED U.S. Attorney Christopher J. Lewis INTERPRETER REQ'D Joyce Garcia

Attorney for Defendant Greta Vietor (AFPD)

PROCEEDINGS: ☒ INITIAL APPEARANCE/CHANGE OF PLEA/SENTENCE

DEFENDANT: ☒ PRESENT ☒ CUSTODY

☒ Defendant states true name to be SAME.

☒ Petty Offense ☒ Date of Arrest 3/19/09

☒ Arr/Plea of Guilty entered as to the Complaint.

☒ Court accepts defendant's plea and finds plea to be freely and voluntarily given.

☒ Time waived for passage of sentence.

☒ Defendant waives preparation of the presentence report.

**SENTENCING:** Defendant committed to ☒ Bureau of Prisons for a period of TEN (10) DAYS WITH CREDIT FOR TIME SERVED

☐ Jail type institution for a period of \_\_\_\_\_

☒ Imposition of Special Assessment is waived by the USA.

☒ Defendant advised of right to appeal.

☒ Waiver of right to appeal explained.

OTHER: Greta Vietor is appointed as attorney of record for defendant

Recorded by Courtsmart  
BY: Selina Bostwick  
Deputy Clerk

COP: 1  
Sent: 0  
IA: 0